

Handwritten signature/initials

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLN. OF: WITHERS et al.
SERIAL NO.: 10/828,641
FILED: April 21, 2004
FOR: Thermal and Electrochemical Process for Metal Production
GROUP: 1742
DOCKET: MER 03.01

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In connection with the above-entitled matter, Applicants wish to bring to the attention of the Patent Office additional prior art received in connection with a Search of Applicants' corresponding PCT application. Attached is a copy of the PCT International Search Report and Written Opinion. Some of the references are already of record in this case. Thus, additional copies are not being provided. However, enclosed is PTO Form 1449 disclosing the U.S. Patent 2,904,426. Applicants are not submitting a copy of the U.S. patent reference as the Office waived the requirement under 37 CFR 1.98(a)(2)(i) on July 11, 2003. The claims in the present application are believed to be patentably distinguished over these references.

This information Disclosure Statement is being made pursuant to the duty of disclosure imposed by law and formulated in 37 CFR 1.56(A). No representation is made that the

HAYES SOLOWAY P.C.
130 W. CUSHING STREET
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

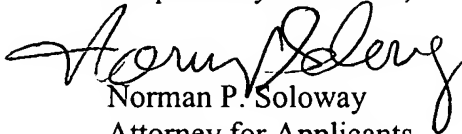
175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

information thus disclosed in fact constitute prior art or that it is the closest prior art, inasmuch as 37 CFR 1.56(A) relies on a materiality concept which depends on subjectivity.

In compliance with the requirements of 37 CFR § 1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 35 U.S.C. § 1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a copy of the PCT International Search Report and Written Opinion by a PCT Examiner in which the references were cited. The relevance to the pending U.S. patent application is that the references were cited in a PCT patent application on the same subject matter. However, no independent analysis of the reference, the accuracy of the statement of PCT Examiner or the claims of the PCT application under the laws of the country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the PCT Examiner's comments submitted therewith.

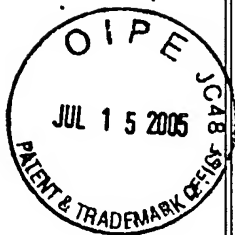
The enclosed Information Disclosure Statement is being submitted within three months of receipt of the International Search Report and Written Opinion, as certified in the attached Certification for Information Disclosure Statement. Therefore, we believe there are no fees involved with this prior art disclosure statement. However, in the event there are any fees payable, please charge them to our Deposit Account No. 08-1391.

Respectfully submitted,


Norman P. Soloway
Attorney for Applicants
Registration No. 24,315

HAYES SOLOWAY P.C.
130 W. CUSHING STREET
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 12, 2005 at Tucson, Arizona.

By: Sharon McKniff

NPS:sm

HAYES SOLOWAY P.C.
130 W. CUSHING STREET
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

**STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT**

Docket No.
MER 03.01

In Re Application Of: **WITHERS et al.**

JUL 15 2005

Application No.

10/828,641

Filing Date

April 21, 2004

Examiner

Customer No.

27667

Group Art Unit

1742

Confirmation No.

5332

Invention:

THERMAL AND ELECTROCHEMICAL PROCESS FOR METAL PRODUCTION

COMMISSIONER FOR PATENTS:

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

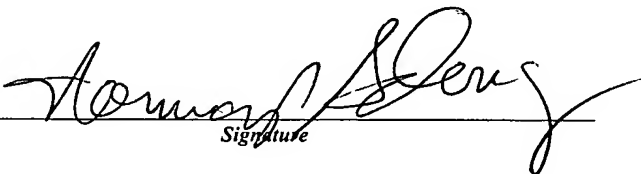
Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

- ☒ Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Statement Under 37 CFR 1.97(e)(2)

- ☐ No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.


Signature

Dated: **July 12, 2005**

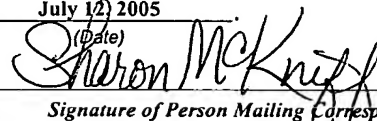
**Norman P. Soloway
Registration No. 24,315
HAYES SOLOWAY P.C.
130 W. Cushing Street
Tucson, Az 85701**

Certificate of Mailing by First Class Mail

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

July 12 2005

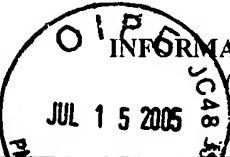
(Date)


Signature of Person Mailing Correspondence

Sharon McKniff

Typed or Printed Name of Person Mailing Correspondence

cc:

 <p style="text-align: center;">INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)</p>	Docket Number (Optional) MER 03.01	Application Number 10/828,641
	Applicant(s) WITHERS et al.	
	Filing Date April 21, 2004	Group Art Unit 1742

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		2,904,426	09/15/1959	WAINER			

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.